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IN THE SENATE

SENATE BILL NO. 1200

BY FINANCE COMMITTEE

AN ACT

RELATING TO PUBLIC SCHOOLS; STATING FUND SOURCES FOR THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM FOR FISCAL YEAR 2014; APPROPRIATING MONEYS FOR THE TRANSFER TO THE PUBLIC SCHOOL INCOME FUND FOR FISCAL YEAR 2014; APPROPRIATING MONEYS TO THE PUBLIC SCHOOLS EDU-CATIONAL SUPPORT PROGRAM/DIVISION OF ADMINISTRATORS FOR FISCAL YEAR 2014; APPROPRIATING MONEYS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF TEACHERS FOR FISCAL YEAR 2014; APPROPRIATING MON-EYS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF OPER-ATIONS FOR FISCAL YEAR 2014; APPROPRIATING MONEYS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF CHILDREN'S PROGRAMS FOR FIS-CAL YEAR 2014; APPROPRIATING MONEYS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF FACILITIES FOR FISCAL YEAR 2014; PROVIDING THE NECESSARY FUNDS FOR THE BOND LEVY EQUALIZATION PROGRAM; LIMITING THE AMOUNT OF REVENUE DISTRIBUTED TO THE GENERAL FUND; APPROPRIATING MONEYS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF EDUCATIONAL SERVICES FOR THE DEAF AND THE BLIND FOR FISCAL YEAR 2014; AMENDING SECTION 33-1004A, IDAHO CODE, TO RESTORE TWO YEARS OF EXPERI-ENCE ON THE MULTIPLIER TABLE; AMENDING SECTION 33-1004E, IDAHO CODE, TO ADJUST THE MINIMUM INSTRUCTIONAL STAFF SALARY; PROVIDING GUIDANCE FOR THE IDAHO DIGITAL LEARNING ACADEMY; PROVIDING THAT \$4,331,400 OF TO-BACCO, CIGARETTE AND LOTTERY INCOME TAX MONEYS BE USED AS DISCRETIONARY FUNDS; DIRECTING THE USE OF \$368,600 OF TOBACCO, CIGARETTE AND LOT-TERY INCOME TAX MONEYS; PROVIDING THAT TWO-THIRDS OF THE FUNDS FROM THE SCHOOL DISTRICT BUILDING ACCOUNT BE USED AS DISCRETIONARY FUNDS; RE-LIEVING THE STATE FROM TWO-THIRDS OF THE REQUIREMENT TO PROVIDE SCHOOL MAINTENANCE MATCHING FUNDS; PROVIDING AN ESTIMATE OF DISCRETIONARY FUNDS PER SUPPORT UNIT AT \$20,000; DIRECTING THE USE OF \$10,500,000 FOR READING AND MATH INITIATIVES, AND REMEDIATION; DIRECTING THE USE OF \$4,000,000 FOR LIMITED ENGLISH PROFICIENCY PROGRAMS; DIRECTING THE USE OF \$1,703,500 FOR THE DEVELOPMENT OR ADMINISTRATION OF ASSESSMENTS AND EXAMS; DIRECTING THE USE OF \$2,500,000 FOR INFORMATION TECHNOL-OGY STAFFING COSTS; DIRECTING THE USE OF \$300,000 FOR PROFESSIONAL DEVELOPMENT AND TRAINING FOR TEACHER AND ADMINISTRATOR EVALUATIONS; DIRECTING THE USE OF \$100,000 FOR A SAFE SCHOOLS TASK FORCE AND ASSESS-MENT TOOLS; DIRECTING THE USE OF \$10,400,000 FOR TECHNOLOGY, WIRELESS TECHNOLOGY INFRASTRUCTURE, AND AN INTERNET-BASED PORTAL; DIRECTING THE USE OF \$4,500,000 FOR MAINTENANCE, OPERATION, AND LICENSING OF AN INSTRUCTIONAL MANAGEMENT SYSTEM; DIRECTING THE USE OF \$3,755,000 FOR PROFESSIONAL DEVELOPMENT AND TRAINING REGARDING IDAHO CORE STANDARDS; DIRECTING THE USE OF \$150,000 FOR TECHNOLOGY PROFESSIONAL DEVELOPMENT; DIRECTING THAT CERTAIN INFORMATION BE COMPILED BY THE STATE DEPARTMENT OF EDUCATION ON THE DUAL ENROLLMENT PROGRAM; DIRECTING THAT CERTAIN INFORMATION BE COMPILED BY THE STATE DEPARTMENT OF EDUCATION ON SAFE SCHOOL ENVIRONMENTS; PROVIDING DEDICATED FUND REAPPROPRIATION FOR FIS-

CAL YEAR 2014; AND GRANTING THE AUTHORITY TO TRANSFER APPROPRIATIONS
AMONG FIVE DIVISIONS OF THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. The following amount shall be expended from state sources for the Public Schools Educational Support Program, for the period July 1, 2013, through June 30, 2014:

7 FROM:

8	General Fund	\$1,308,365,400
9	Bond Levy Equalization Fund	13,704,400
10	School District Building Account	17,150,000
11	Miscellaneous Revenue	109,200
12	Public Schools Other Income	7,500,000
13	School for the Deaf and the Blind Endowment	111,600
14	Cigarette, Tobacco and Lottery Income Taxes	4,700,000
15	Public School Endowment Earnings Reserve Fund	31,292,400
16	Federal Grant	215,223,500
17	TOTAL	\$1,598,156,500

SECTION 2. There is hereby appropriated the following amount from the listed fund to be transferred to the Public School Income Fund for the period July 1, 2013, through June 30, 2014:

21 FROM:

22 General Fund \$1,303,811,800

SECTION 3. There is hereby appropriated to the Public Schools Educational Support Program/Division of Administrators, the following amount to be expended from the listed fund for the period July 1, 2013, through June 30, 2014:

27 FROM:

28 Public School Income Fund

\$78,138,600

SECTION 4. There is hereby appropriated to the Public Schools Educa-30 tional Support Program/Division of Teachers, the following amounts to be ex-31 pended from the listed funds for the period July 1, 2013, through June 30, 32 2014:

33 FROM:

 34
 Public School Income Fund
 \$743,300,800

 35
 Federal Grant
 15,000,000

 36
 TOTAL
 \$758,300,800

SECTION 5. There is hereby appropriated to the Public Schools Educational Support Program/Division of Operations, the following amounts to be expended from the listed funds for the period July 1, 2013, through June 30, 2014:

41 FROM:

 42
 Public School Income Fund
 \$487,790,500

 43
 School District Building Account
 11,490,500

 44
 TOTAL
 \$499,281,000

SECTION 6. There is hereby appropriated to the Public Schools Educational Support Program/Division of Children's Programs, the following amounts to be expended from the listed funds for the period July 1, 2013, through June 30, 2014:

5 FROM:

6 Public School Income Fund \$30,535,600
7 Federal Grant 200,000,000
8 TOTAL \$230,535,600

SECTION 7. There is hereby appropriated to the Public Schools Educational Support Program/Division of Facilities, the following amounts to be expended from the listed funds for the period July 1, 2013, through June 30, 2014:

13 FROM:

 14
 General Fund
 \$4,553,600

 15
 Bond Levy Equalization Fund
 13,704,400

 16
 School District Building Account
 5,659,500

 17
 TOTAL
 \$23,917,500

SECTION 8. Of the moneys appropriated to the Public Schools Educational Support Program, the amount necessary to fund the provisions of Section 33-906, Idaho Code, is hereby transferred and appropriated to the Bond Levy Equalization Fund.

SECTION 9. The provisions of subsection (4) of Section 63-2520, Idaho Code, notwithstanding, the amount of revenue distributed to the General Fund shall be \$3,695,600 for the period July 1, 2013, through June 30, 2014.

SECTION 10. There is hereby appropriated to the Public Schools Educational Support Program/Division of Educational Services for the Deaf and the Blind, the following amounts to be expended from the listed funds for the period July 1, 2013, through June 30, 2014:

29 FROM:

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 30
 Public School Income Fund
 \$7,538,700

 31
 Miscellaneous Revenue
 109,200

 32
 School for the Deaf and the Blind Endowment
 111,600

 33
 Federal Grant
 223,500

 34
 TOTAL
 \$7,983,000

35 SECTION 11. That Section 33-1004A, Idaho Code, be, and the same is hereby amended to read as follows:

33-1004A. EXPERIENCE AND EDUCATION MULTIPLIER. Each instructional 38 and administrative staff position shall be assigned an appropriate multi-39 plier based upon the following table:

EXPERIENCE AND EDUCATION

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2
                                         MA
                                               MA + 12
                                                        MA + 24
                                                                 MA + 36
     Years
3
               ВΑ
                     BA + 12
                              BA + 24
                                      BA + 36
                                               BA + 48
                                                        BA + 60
                                                                 ES/DR
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       0
            1.00000 1.03750
                             1.07640 1.11680 1.15870 1.20220
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            1.03750 1.07640
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            1.29410 1.34260 1.39290 1.44510 1.49930 1.55550
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       8
            1.34260 1.39290
                             1.44510 1.49930 1.55550 1.61380
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            1.39290 1.44510
                             1.49930 1.55550 1.61380 1.67430
                                                                 1.73710
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       10
            1.39290 1.49930 1.55550 1.61380 1.67430 1.73710
                                                                 1.80220
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                                                                 1.86980
16
       12
            1.39290 1.49930
                             1.55550 1.61380 1.73710 1.86980
                                                                 1.93990
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      13 or
18
      more
            1.39290 1.49930 1.55550 1.61380 1.73710 1.86980
                                                                 2.01260
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In determining the experience factor, the actual years of teaching or administrative service in a public school, in an accredited private or parochial school, or beginning in the 2005-06 school year and thereafter in an accredited college or university shall be credited, minus two (2); provided however, that the experience factor cannot be less than zero (0).

In determining the education factor, only credits earned after initial certification, based upon a transcript on file with the teacher certification office of the state department of education, earned at an institution of higher education accredited by the state board of education or a regional accrediting association, shall be allowed. Instructional staff whose initial certificate is an occupational specialist certificate shall be treated as BA degree prepared instructional staff. Credits earned by such occupational specialist instructional staff after initial certification shall be credited toward the education factor. For the time period July 1, 2010, through June 30, 2011, instructional and administrative staff shall not advance on the education portion of the multiplier table.

In determining the statewide average multiplier for instructional staff, no multiplier in excess of 1.59092 shall be used. If the actual statewide average multiplier for instructional staff, as determined by this section, exceeds 1.59092, then each school district's instructional staff multiplier shall be multiplied by the result of 1.59092 divided by the actual statewide average multiplier for instructional staff.

In determining the statewide average multiplier for administrative staff, no multiplier in excess of 1.86643 shall be used. If the actual statewide average multiplier for administrative staff, as determined by this section, exceeds 1.86643, then each school district's administrative

staff multiplier shall be multiplied by the result of 1.86643 divided by the actual statewide average multiplier for administrative staff.

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SECTION 12. That Section 33-1004E, Idaho Code, be, and the same is hereby amended to read as follows:

33-1004E. DISTRICT'S SALARY-BASED APPORTIONMENT. Each district shall be entitled to a salary-based apportionment calculated as provided in this section.

- 1. To determine the apportionment for instructional staff, first determine the district average experience and education index by placing all eligible district certificated instructional employees on the statewide index provided in section 33-1004A, Idaho Code. The resulting average is the district index. Districts with an index above the state average index shall receive their actual index but not more than the state average plus .03 for the 1994-95 school year, and shall receive their actual index but not more than the state average plus .06 for the 1995-96 school year, and thereafter shall receive their actual district index. The district instructional staff index shall be multiplied by the instructional base salary of \$23,123. The amount so determined shall be multiplied by the district staff allowance for instructional staff determined as provided in section 33-1004(2), Idaho Code. The instructional salary allocation shall be further increased by the amount necessary for each full-time equivalent instructional staff member placed on the experience and education index to be allocated at least the minimum salary mandated by this section. Full-time instructional staff salaries shall be determined from a salary schedule developed by each district and submitted to the state department of education. No full-time instructional staff member shall be paid less than \$30,50031,000. If an instructional staff member has been certified by the national board for professional teaching standards, the staff member shall be designated as a master teacher and receive \$2,000 per year for five (5) years. The instructional salary shall be increased by \$2,000 for each master teacher provided however, that no such awards shall be paid for the period July 1, 2010, through June 30, 2011, nor shall any liabilities accrue or payments be made pursuant to this section in the future to any individuals who would have otherwise qualified for a payment during this stated time period. The resulting amount is the district's salary-based apportionment for instructional staff. For purposes of this section, teachers qualifying for the salary increase as master teacher shall be those who have been recognized as national board certified teachers as of July 1 of each year.
- 2. To determine the apportionment for district administrative staff, first determine the district average experience and education index by placing all eligible certificated administrative employees on the statewide index provided in section 33-1004A, Idaho Code. The resulting average is the district index. Districts with an index above the state average index shall receive their actual index but not more than the state average plus .03 for the school year 1994-95, and shall receive their actual index but not more than the state average index plus .06 for the 1995-96 school year, and thereafter shall receive their actual district index. The district administrative staff index shall be multiplied by the base salary of \$31,833. The

amount so determined shall be multiplied by the district staff allowance for administrative staff determined as provided in section 33-1004(3), Idaho Code. The resulting amount is the district's salary-based apportionment for administrative staff.

- 3. To determine the apportionment for classified staff, multiply \$19,058 by the district classified staff allowance determined as provided in section 33-1004(4), Idaho Code. The amount so determined is the district's apportionment for classified staff.
- 4. The district's salary-based apportionment shall be the sum of the apportionments calculated in subsections 1., 2. and 3., of this section, plus the benefit apportionment as provided in section 33-1004F, Idaho Code.

SECTION 13. The Idaho Digital Learning Academy (IDLA), created pursuant to Chapter 55, Title 33, Idaho Code, shall utilize state appropriated funds for the period July 1, 2013, through June 30, 2014, to achieve the following:

- (1) Tuition charged by IDLA to Idaho students shall not exceed $$100\ \mathrm{per}$$ enrollment.
- (2) Provide remedial coursework for students failing to achieve proficiency in one (1) or more areas of the Idaho Standards Achievement Test.
- (3) Pursuant to the fiscal impact statement for the State Board of Education rule, IDAPA 08.02.03, Docket Number 08-0203-0605, provide advanced learning opportunities for students.
- (4) Pursuant to State Board of Education rule, IDAPA 08.02.03, Docket Number 08-0203-0605, work with institutions of higher education to provide dual credit coursework.

The preceding list shall not be construed as excluding other instruction and training that may be provided by the Idaho Digital Learning Academy.

SECTION 14. Notwithstanding the provisions of any law to the contrary, of the moneys appropriated in Section 5 of this act, up to \$4,331,400 from funds determined by available tobacco, cigarette and lottery income tax revenues accruing, appropriated, or distributed to the Public School Income Fund pursuant to Sections 63-2506, 63-2552A, 63-3035A and 63-3067, Idaho Code, for the period July 1, 2013, through June 30, 2014, shall be distributed as discretionary funds within the Public Schools Educational Support Program/Division of Operations, and school districts and charter schools are hereby relieved of any restrictions on the use of such funds, apart from restrictions that apply to the use of discretionary funds.

SECTION 15. Of the moneys appropriated in Section 6 of this act, \$368,600 from funds determined by available revenues accruing, appropriated, or distributed to the Public School Income Fund pursuant to Sections 63-2506, 63-2552A, 63-3035A and 63-3067, Idaho Code, and other such moneys that may become available pursuant to Idaho laws, for the period July 1, 2013, through June 30, 2014, shall be distributed as follows: the provisions of Section 63-2552A(3), Idaho Code, notwithstanding, \$200,000 shall be remitted to the Idaho State Police to increase toxicology lab capacity in the Bureau of Forensic Services for drug testing of juveniles; the Superintendent of Public Instruction may use up to \$90,000 for Safe and Drug-Free

Schools Program administration, technical assistance, and evaluation; and \$78,600 shall be remitted to the Commission on Hispanic Affairs on or before July 15, 2013, to be used for substance abuse prevention efforts in collaboration with the State Department of Education.

SECTION 16. Notwithstanding the provisions of Sections 33-905 and 33-1019, Idaho Code, for the period July 1, 2013, through June 30, 2014, sixty-seven percent (67%) of all moneys appropriated from the School District Building Account shall be distributed as discretionary funds within the Public Schools Educational Support Program/Division of Operations and school districts and charter schools are hereby relieved of any restrictions on the use of such funds, apart from restrictions that apply to the use of discretionary funds.

SECTION 17. Notwithstanding the provisions of Sections 33-1018B and 33-1019, Idaho Code, for the period July 1, 2013, through June 30, 2014, only, the state is hereby temporarily relieved from the requirement to provide sixty-seven percent (67%) of its portion of the school maintenance matching funds normally required by such sections, nor shall school districts be required to make up such portion that would otherwise be provided by the state.

SECTION 18. Pursuant to the provisions of Section 33-1018, Idaho Code, for the period July 1, 2013, through June 30, 2014, it is estimated that the appropriation of state funds to the Public Schools Educational Support Program/Division of Operations will result in total discretionary funds of \$20,000 per support unit.

SECTION 19. Of the moneys appropriated in Section 6 of this act, \$10,500,000 shall be used for literacy programs, as outlined in Sections 33-1207A(2), 33-1614 and 33-1615, Idaho Code; remedial coursework for students failing to achieve proficiency in the Idaho Standards Achievement Test; computerized remediation services to schools; and math initiative efforts, in dollar amounts determined by the Superintendent of Public Instruction. It is legislative intent that the State Board of Education and State Department of Education coordinate federally funded literacy programs with state literacy programs, resulting in well-coordinated, complementary literacy efforts. The Superintendent of Public Instruction shall report to the Joint Finance-Appropriations Committee and the House and Senate Education committees, by no later than February 1, 2015, on the uses of funds and effectiveness of the programs and efforts.

SECTION 20. Pursuant to Section 33-1617, Idaho Code, of the moneys appropriated in Section 6 of this act, \$4,000,000 shall be distributed for support of programs for students with non-English or limited English proficiency, as follows:

(1) The State Department of Education shall distribute \$3,500,000 to school districts pro rata, based upon the population of limited English proficient students under criteria established by the department.

(2) The State Department of Education shall use \$500,000 for the competitive grant program for school districts in which the population of English language learners failed to meet Adequate Yearly Progress (AYP) in math or reading, as defined in federal law. Of this amount, \$450,000 shall be distributed annually to school districts in three (3) year grant cycles, in which the recipients will receive full grant awards each of the three (3) years, contingent on appropriation. The remaining \$50,000 will be used for evaluation and administration of the program.

- (3) The department shall develop the program elements governing the use of these funds, modeled on the training, intervention and remediation elements of the literacy programs referenced in Section 19 of this act. The purpose of these funds is to improve the English language skills of English language learners, to enable such students to better access the educational opportunities offered in public schools. The Superintendent of Public Instruction shall report to the Joint Finance-Appropriations Committee and the House and Senate Education committees by no later than February 1, 2015, on the program design, uses of funds and effectiveness of the program.
- SECTION 21. Of the moneys appropriated in Section 6 of this act, \$1,703,500 shall be used for the development or administration of student assessments, including a college entrance exam for 11th grade students, an exam for 10th grade students that provides preparation for the college entrance exam, and end-of-course examinations for high school science subjects.
- SECTION 22. Of the moneys appropriated in Section 5 of this act, \$2,500,000 shall be distributed for public school information technology staff costs. Such moneys shall be distributed pursuant to a formula, with a minimum distribution per school district and public charter school, determined by the Superintendent of Public Instruction.
- SECTION 23. Of the moneys appropriated in Section 3 of this act, \$300,000 shall be used for professional development and training that promotes the effective, consistent evaluation of teacher and administrator performance, pursuant to standards established by the State Board of Education.
- SECTION 24. Of the moneys appropriated in Section 6 of this act, up to \$100,000 may be expended by the Superintendent of Public Instruction to facilitate a safe schools task force, develop a common threat assessment tool and accompanying rubric, establish a support structure for the implementation of the tool throughout the state, establish a secure mechanism for collecting data results on the threat assessment, and assist school districts in the creation of safety plans at the local level, based on the deficiencies identified in the assessment.
- SECTION 25. Of the moneys appropriated in Section 5 of this act, \$10,400,000\$ shall be expended by the Superintendent of Public Instruction as follows:

(1) \$8,000,000 shall be distributed for classroom technology that assists teachers and students in effective and efficient instruction or learning.

- (2) \$2,250,000 shall be expended for the installation, repair, replacement and support of a wireless technology infrastructure, in each public school serving high school grades, of sufficient capacity to support utilization of mobile computing devices by all students in such grades.
- (3) \$150,000 may be expended for the development and maintenance of an Internet-based portal of available online, nonsectarian K-12 or dual credit courses available from any of the following: (a) Idaho Digital Learning Academy; (b) Idaho public school districts; (c) Idaho public charter schools; (d) Idaho public colleges and universities; (e) Idaho private colleges and universities accredited by the same organization that accredits Idaho's public colleges and universities; and (f) Any provider of online courses; provided however, that the courses available on the portal have been verified and approved by the State Department of Education to meet state content standards.
- Of the amounts allocated pursuant to subsections (2) and (3) of this section, no more than \$190,000 may be utilized by the Superintendent of Public Instruction for technology staff support costs. The dollars allocated for subsections (2) and (3) of this section may be reallocated between said subsections by the Superintendent of Public Instruction, subject to a ten percent (10%) maximum cumulative change in the allocated amounts.
- SECTION 26. Of the moneys appropriated in Section 5 of this act, \$4,500,000 shall be used for the maintenance, operation, and licensing of the instructional management system that includes high quality digital learning resources and software linked to state and local curricula, model lesson plans, content and formative and summative assessments tied to rigorous college and career-ready standards, and safe and secure online knowledge sharing and collaboration systems.
- SECTION 27. Of the moneys appropriated in Section 4 of this act, \$3,755,000 shall be used for professional development, training and assistance that promotes the implementation of Idaho core mathematical and English language arts standards including, but not limited to, the alignment of curriculum and instruction to such standards.
- SECTION 28. Of the moneys appropriated in Section 4 of this act, \$150,000 shall be used for professional development and training that promotes the effective use of technology by students, staff and parents, the integration of technology into public school curricula and instructional methods, the development of plans at the school, district and statewide level for the improved use and integration of technology in learning, and the development and effective utilization of student data.
- SECTION 29. It is legislative intent that the State Department of Education shall compile information concerning the numbers of students enrolling in dual credit courses according to the provisions of Section 33-1626, Idaho Code, whether coursework is successfully completed, and to-

tal expenditures for fiscal year 2014. As nearly as possible, the report shall contain information about enrollment of this student population in post-high school education. A report containing such information shall be posted on the website of the State Department of Education no later than December 31, 2014.

SECTION 30. It is legislative intent that the State Department of Education shall compile information concerning school district and charter school expenditures of funds pursuant to the safe school environment and student learning provisions of Section 33-1002(2)(1), Idaho Code, for fiscal year 2014 and post such information to the department's website no later than December 31, 2014.

SECTION 31. DEDICATED FUND REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Public Schools Educational Support Program the unexpended and unencumbered balance of Public School Income Fund moneys allocated pursuant to Section 33-1022(3)(c), Idaho Code, for fiscal year 2013, to be used for the same purposes as originally authorized pursuant to Section 33-1022(3)(c), Idaho Code, for the period July 1, 2013, through June 30, 2014. This measure is taken to satisfy the matching requirements of the J.A. and Kathryn Albertson Foundation funding award to develop an instructional management system.

SECTION 32. The State Department of Education is hereby granted the authority to transfer appropriations between the Administrators, Teachers, Operations, Children's Programs, and Facilities Divisions of the Public Schools Educational Support Program budget, in any amount necessary, to comply with the public school funding provisions of appropriations and the Idaho Code.